

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 75

SENATE BILL 1122

AN ACT

AMENDING SECTION 9-101, ARIZONA REVISED STATUTES; RELATING TO INCORPORATION
OF CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-101, Arizona Revised Statutes, is amended to
3 read:

4 9-101. Incorporation; definition

5 A. When two-thirds of the qualified electors residing in a community
6 containing a population of fifteen hundred or more inhabitants OR IN A
7 COMMUNITY WITHIN TEN MILES OF THE BOUNDARY OF A NATIONAL PARK OR MONUMENT
8 THAT CONTAINS A POPULATION OF FIVE HUNDRED OR MORE PERSONS petition the board
9 of supervisors, setting forth the metes and bounds of the community, and the
10 name under which the petitioners desire to be incorporated, and praying for
11 the incorporation of the community into a city or town, and the board is
12 satisfied that two-thirds of the qualified electors residing in the community
13 have signed the petition, it shall, by an order entered of record, declare
14 the community incorporated as a city or town.

15 B. When ten per cent of the qualified electors residing in a community
16 containing a population of fifteen hundred or more persons OR IN A COMMUNITY
17 WITHIN TEN MILES OF THE BOUNDARY OF A NATIONAL PARK OR MONUMENT THAT CONTAINS
18 A POPULATION OF FIVE HUNDRED OR MORE PERSONS petition the board of
19 supervisors in the manner prescribed in subsection A of this section, praying
20 for the calling of an election for the purpose provided in this section, the
21 board shall within sixty days after filing the petition call the election,
22 and the election shall take place on a date prescribed by section 16-204 but
23 not more than one hundred eighty days after the petition is filed, except
24 that no such election shall be called within twelve months from the date of
25 a previous election for incorporation of substantially the same territory.
26 Only qualified electors of the community shall vote on this question. If a
27 majority of qualified electors voting thereon votes for incorporation, then
28 the board of supervisors shall, by an order entered of record, declare the
29 community incorporated as a city or town.

30 C. Prior to obtaining any signatures on a petition required by
31 subsection A or B of this section, a copy of such petition shall be filed
32 with the county recorder or, in a county having an elections department, with
33 the county elections department. The petition shall state its purpose
34 clearly and concisely and shall be in the form and signed and verified as
35 generally provided for initiative petitions. Petitioners shall have one
36 hundred eighty days from the date of such filing to obtain the required
37 number of signatures.

38 D. By whichever proceeding the incorporation of a city or town is
39 accomplished, the order shall designate the name of the city or town, and its
40 metes and bounds, and thereafter the inhabitants within the area so defined
41 shall be a body politic and corporate by the name designated.

42 E. For the purposes of this section, "community" means a locality in
43 which a body of people resides in more or less proximity having common
44 interests in such services as public health, public protection, fire
45 protection and water which bind together the people of the area, and where

1 the people are acquainted and mingle in business, social, educational and
2 recreational activities.

3 F. An area to be incorporated shall not include large areas of
4 uninhabited, rural or farm lands, but it shall be urban in nature.

5 G. Territory shall not be incorporated if, as a result of such
6 incorporation, unincorporated territory is completely surrounded by
7 incorporated areas nor shall an area to be incorporated exclude interior
8 county streets and roads, unless the board of supervisors approves the
9 exclusion of such territory, streets and roads.

10 H. The board of supervisors shall exclude from the community proposed
11 to be incorporated pursuant to subsection A or B of this section any
12 territory which has been included in an annexation ordinance adopted by a
13 city or town pursuant to law after the incorporation petition has been filed
14 pursuant to subsection C of this section. If the remaining community fails
15 to meet the qualifications for incorporation, the board of supervisors shall
16 reject the petition.

APPROVED BY THE GOVERNOR APRIL 17, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2003.

Passed the House April 10, 20 03

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Sporman L. Moore
Chief Clerk of the House

Passed the Senate March 13, 20 03

by the following vote: 25 Ayes,

3 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Chamin B. Dwyer
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 20 03

at 11:50 o'clock A M.

Sandra Hamrey
Secretary to the Governor

Approved this 17 day of

April, 20 03

at 4:05 o'clock P. M.

Jan Nagel
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 20 03

at 11:18 o'clock A. M.

Janice K. Brewer
Secretary of State

S.B. 1122